

Application Serial No. 10/564,770  
Reply to Office Action of June 11, 2008

PATENT  
Docket: CU-4646

### REMARKS

In the Office Action, dated June 11, 2008, the Examiner states that Claims 1-30 are pending, and Claims 1-30 are rejected. By the present Amendment, Applicant amends the claims.

Claims 1 to 30 remain in the application. Claims 24, 28 and 29 have been amended. No new matter is considered to have herein been added. The claims actually pending in the application are believed to be in condition for allowance.

#### Claim Rejection – 35 USC § 103(a)

The Examiner rejected claims 1-27 as being unpatentable over Forg (DE 346,719) in view of Ehrlich (US 4,187,996).

The Examiner argues that "Fo[e]rg (sic) teaches all the elements of the locking mechanism except for the locking mechanism being stationary. However, Ehrlich, Figure 4, teaches a stationary locking mechanism."

Applicants agree that Forg does not teach a stationary locking mechanism. Conversely, Applicants disagree that Ehrlich teaches a stationary locking mechanism.

Claim 1, as it presently reads, recites, *inter alia*, "...a stationary locking mechanism provided in said base member and remotely of said reel, said locking mechanism being adapted in a locked position to lock said elongated member with respect to said base member...". Applicants believe it is clear from the wording of claim 1 that the locking mechanism provided in the base is stationary.

The *Webster's Third New International Dictionary Unabridged* defines the word stationary as "having no moving parts". Therefore, as claimed in claim 1, the locking mechanism must not be moveable.

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Ehrlich states, column 1, lines 48-54: "To lower the plant for servicing, the plant is lifted slightly, and moved horizontally to release the latching means and allow the cord to be unwound, following which the plant is lowered to further wind the spring reel. Horizontal movement in an opposite direction re-engages the latching means with the plant at the lower lever."

Further, at column 2, lines 37-41: "The inner surface 37 of one of the sidewalls 22 forms a projection 38, including a cam surface 39 and a locking surface 40 which engages a corresponding portion on the reel element 12 ...".

Additional information is found at column 2, lines 50-53: "A lower end 52 is provided with laterally extending converging cord guide members 53 and 54 defining a slot 55."

Also at column 3, lines 12-14: "...the horizontal movement of the loop 71 has served to pivot the yoke element 12 (sic) relative to the housing element 10." The yoke element in this passage should be referenced as 11, not 12.

Even claim 1 in Ehrlich further emphasizes the movement of the locking mechanism, at column 4, lines 37-40: "...whereby lateral movement imparted to said cord serves to pivot said yoke element relative to said housing element to selectively engage said lug engaging means with said locking lug."

Applicants consider that it is clear that Ehrlich describes a non stationary locking mechanism. In other words, with particular reference to Figure 7, the cord 68 laterally moves the yoke element 11 and thus the reel element 12 thereby releasing the locking lug 64 from its engagement with the locking surface 40. Once the locking lug 64 is disengaged, the reel element 12 is free to rotate and allow vertical movement of the cord 68. This mandatory lateral movement of the yoke element 11 for locking/unlocking the reel element 12 is well seen in Figure 4.

Therefore, the locking mechanism disclosed by Ehrlich is not stationary and thus cannot be combined with Forg to meet the language of claim 1.

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Applicants believe that no motivation is found to combine both references and, even if motivation was found, which is not admitted by Applicants, a person skilled in the art of vertically adjustable devices could not come to the invention claimed in claim 1 with the teaching of Forg in view of Ehrlich without the exercise of ingenuity. Applicants respectfully request reversal of the rejection of claim 1.

Dependent claims 2-22 are also rejected by the Examiner on the same grounds as claim 1 for being allegedly unpatentable over the same cited references.

Claims 2-22 depend directly or indirectly from claim 1 and are thus considered by Applicants to be patentable over the same cited references for the reasons stated above for claim 1. Consequently, withdrawal of the rejection of claims 2-22 is respectfully requested.

Independent claim 23 and amended independent claim 24 are allowable for the same reasons as claim 1. Dependent claims 25 to 27 are thus also considered allowable. Applicants respectfully request reversal of the rejection of claims 23-27.

The Examiner also rejected claims 28-30, directed to a method, because they would inherently result from the use of the adjustable fixture of Forg in view of Ehrlich.

Applicants have amended independent claim 28 to add limitations of dependent claim 29, i.e. the stationary locking mechanism. The stationary locking mechanism is not found in the cited references as explained hereinabove. Therefore, amended independent claim 28 is believed to be non-obvious over the cited references. Withdrawal of the rejection is thus respectfully requested.

Amended dependent claim 29 and dependent claim 30 depend directly on claim 28 and are thus considered to be patentable over the same cited references for the same reasons as the reasons stated above for claim 28. Consequently, withdrawal of the rejection of claims 28-30 is respectfully requested.

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**Conclusion**

Upon entry of the present amendment Applicants believe that all claims are in condition for allowance. Prompt and favourable response is earnestly solicited.


In case the Examiner has questions or concerns, the Examiner is invited to contact the undersigned at the telephone number indicated hereinafter.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date



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